IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.574 OF 2005

Smt.Suman Prasad .. Appellant.
Versus
State, Through the Inspector
of Police CBI, BS and FC, Mumbai .. Respondent.

ALONGWITH

FIRST APPEAL NO.575 OF 2005

Shri Anup Kumar Gond .. Appellant.
Versus
State, Through the Inspector
of Police CBI, BS and FC, Mumbai .. Respondent.

ALONGWITH

FIRST APPEAL NO.576 OF 2005

Shri Nandkishore Prasad .. Appellant.
Versus
State, Through the Inspector
of Police CBI, BS and FC, Mumbai .. Respondent.

Mr.Nitin Pradhan i/b Ms.Hemani Jhariya for the appellants.

CORAM : S.B.MHASE &
D.B.BHOSALE, JJ.

DATE : MARCH 28, 2005.

P.C.

1. Heard.

2. The orders passed by the Special Judge for Greater Bombay dated 5.2.2005 is under challenge. The Government have attached the property by initiating proceedings under section 3 of the

Criminal Law (Amendment) Ordinance, 1944 and ad-interim attachment order has been passed. However, the said ad-interim attachment is not made final by the concerned Judge. These applications were moved by the appellants for raising the said attachment equally raising preliminary objection regarding maintainability of the petition under section 3 of the said ordinance. While considering the said applications, the impugned orders have been passed by the Special Judge. On going through the said orders, it is noticed that enquiry in respect of confirmation of the ad-interim orders is yet to be finalised and the request was finally made before the Judge to adjourn the matters till 2nd March, 2005 for filing the applications for issuing summons to some witnesses for their cross examination. The matters were adjourned. In fact, the learned Judge has not passed any adverse orders, it is only the proceedings on that day which are reflected. The learned Judge has made it clear that the appellants are at liberty to lead the evidence in support of contention raised and list of witnesses is expected as above referred. Under these circumstances we find that there are no orders passed by which the appellants are aggreived so as to approach this court under section 11 of the said ordinance. We find that the appeal is

preferred at premature stage and there is no cause for preferring such appeals. In these circumstances we do not desire to admit the appeals and it is summarily rejected. Mr.Pradhan, repeatedly made request that the Special Judge may be directed to follow the procedure. Needless to state that every court is under obligation to follow procedure as contemplated under law. If any error is committed by the court it will be question to be considered by the appellate court if attention of the appellate court is drawn to validity to the error committed by the subordinate court till then the court is presumed to proceed in accordance with law. The appeals are disposed of.

(D.B.BHOSALE, J.) **(S.B.MHASE, J.)**

:hcs/mar